

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

RODNEY M. BLACKWELL

PLAINTIFF

VERSUS

CIVIL ACTION NO: 1:04cv493WJG-JMR

ANTHONY J. PRINCIPI, Secretary of,
Veterans Affairs

DEFENDANT

SUMMARY JUDGMENT

This cause comes before the Court on the motion [27-1] of the Defendant, Anthony J. Principi, Secretary of Veterans Affairs to dismiss for lack of subject matter jurisdiction, or in the alternative for summary judgment, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 56(c). Pursuant to the Memorandum Opinion entered in this cause, this date, incorporated herein by reference, it is therefore,

ORDERED AND ADJUDGED that the Defendant's motion to dismiss be, and is hereby, converted to a motion for summary judgment. It is further,

ORDERED AND ADJUDGED that the Defendant's motion for summary judgment [27-1] be, and is hereby, granted. It is further,

ORDERED AND ADJUDGED that each party shall bear their respective costs.

SO ORDERED AND ADJUDGED this the 13th day of January, 2006.

/s/ Walter J. Gex III
UNITED STATES SENIOR DISTRICT JUDGE